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10/726,612	12/04/2003	Akiyoshi Chosokabe	Q78605	5767

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EXAMINER

HARPER, TRAMAR YONG

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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05/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendments to the claims, specification, and drawings filed 2/13/07. The arguments set forth are addressed herein below. Claims 1-14 are pending, Claims 1-2 and 4-5 have been amended, and Claims 6-14 are newly added.

Specification

The amendment filed 2/13/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the newly amended terminology "composition ratio or ratios" is completely different in scope regarding the previously disclosed "composition rate or rates". The phrase "composition rates" is interpreted as changes in composition. The phrase "composition ratio" is interpreted as the relation or comparison between compositions. In regards to,

"the display control section 34 can generate composite (blended) image data of the first pattern image data and the second pattern image data blended according to a positional relationship between the first model and the second model, and image composition rate setting, and display this composite image."

Examiner interprets "the display control section 34 can generate composite (blended) image data of the first pattern image data and the second pattern image data blended according to a positional relationship between the first model and the second model," as

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defining a ratio between two images or a first pattern image data to a second image data. However by adding "and image composition rate setting, and display this composite image" defines "image composition rate" as something completely different from the positional ratio image e.g. the image composition rate is different from the blended image generated from the positional ratio. Thus, Applicant has failed to provide sufficient evidence that the amended material is supported within specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

The drawings were received on 2/13/07. These drawings are unacceptable for reasons as noted above in regards to "composition ratio".

Notice of Non-Responsive Amendment

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Originally Claims 1-5, are drawn to a gaming device for controlling a game inside a game field that comprises of a composition rates means for changing composition rates and display means for displaying a composite image based on the image composition rates and displaying a game field using the composite image.
- II. Newly submitted Claims 1-14, are drawn to a gaming device for controlling a game inside a game field that comprises of a composition ratio means for changing composition ratios and display means for displaying a composite image based on the image composition ratios and displaying a game field using the composite image.

Newly submitted claims 1-14 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Inventions of Groups 1 and 2 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination of Group 2 has separate utility such as a composition ratio means and a displaying means for generating a composite image based on image composition ratios e.g. the composite image is generated a different way. See MPEP § 806.05(d).

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, newly submitted Claims 1-14 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendment filed on 2/13/07 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03).

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Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert E Pezzuto
Supervisory Patent Examiner
Art Unit 3714

TH

5/2/07

REPLACEMENT SHEET

FIG. 3

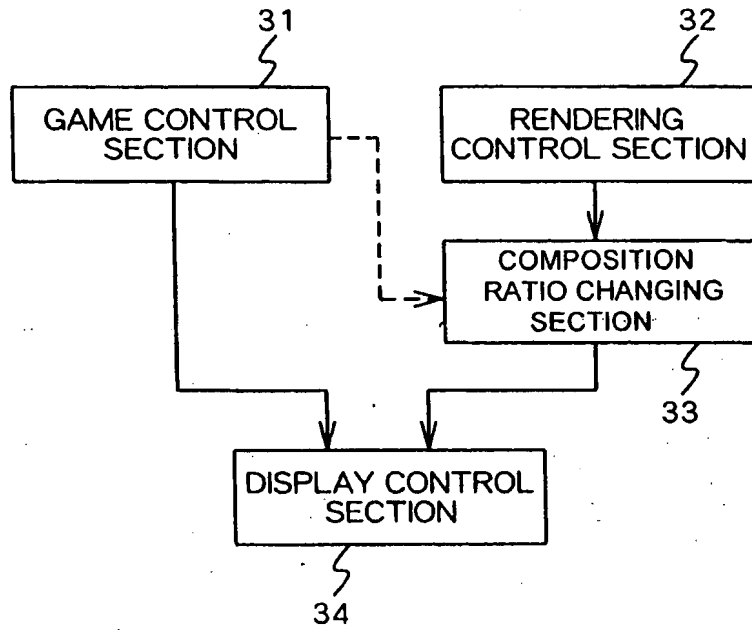
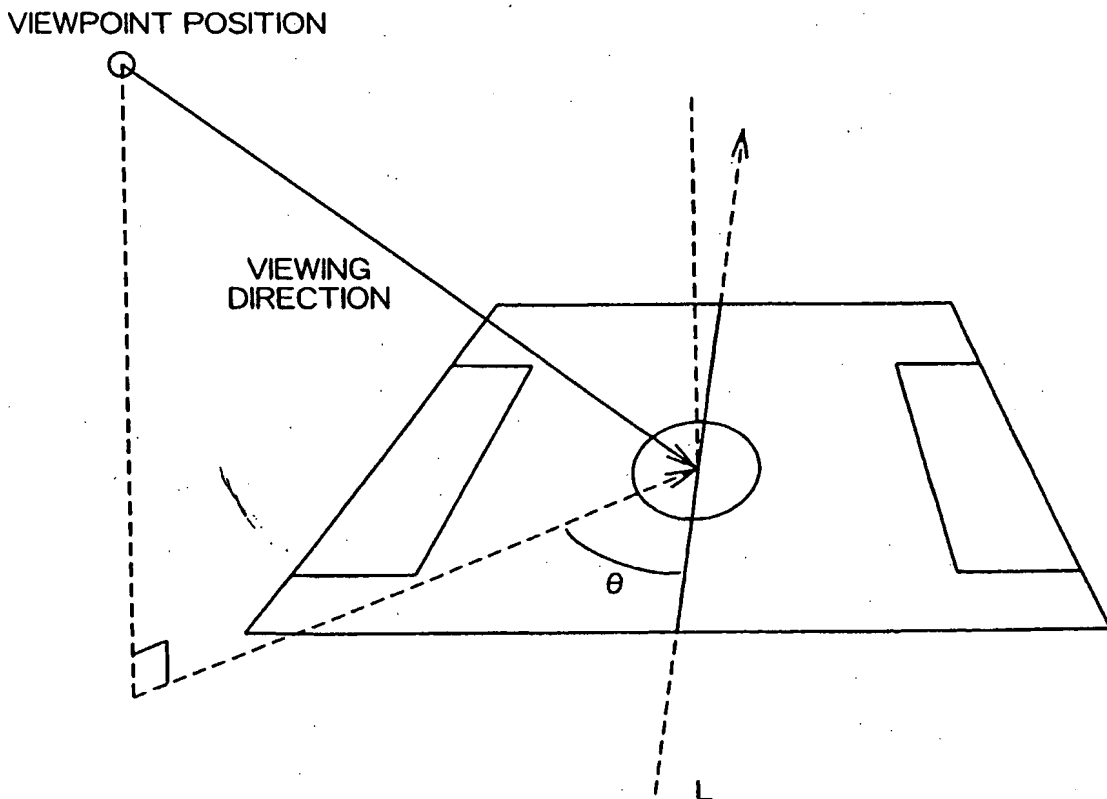


FIG. 4



DO NOT ENTER
5/2/07

